



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brian F. Monahan

Serial No.: 09/808,490

For: RAPID RESPONSE MARKETING

Filed: March 14, 2001

Examiner: Johnna R. Loftis Art Unit: 3623

**DECLARATION UNDER 37 C.F.R. §1.131**

I, Thomas J. Monahan, a resident of the State of Connecticut, U.S.A., declare as follows:

1. I am the Attorney of record on the subject patent application currently pending before the United States Patent and Trademark Office (hereinafter known as the "Invention"); I prepared, filed, and have prosecuted the subject patent application continuously since it was filed on March 14, 2001:

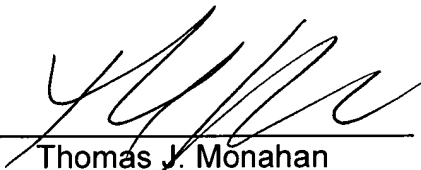
5. The subject patent application is currently rejected under 35 U.S. C. §103(a) with a combination of three cited art references; one of the cited art references (i.e., U.S. Patent No. 6,477,575 to Koeppel *et al.*) was filed on September 12, 2000; in order to antedate Koeppel *et al.* it must be shown that the invention was conceived prior to September 12, 2000 and diligently carried forward until actual or constructive reduction to practice (i.e., the filing of the patent application);

7. I respectfully declare that there is evidence of diligence known to me prior to the date of filing of the subject application; attached is a dated copy of a set of claims prepared by me with my handwritten notations dated January 30, 2001; while I am not certain how much earlier than January 30, 2001 I was aware of the Invention, in my normal course of business I would have received a written description of the invention not less than two(2) months prior to preparing a draft copy of the application and drafting the attached set of dated claims ;

8. I further declare that all statements made herein of my own knowledge are

true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Declared at Newtown, CT, U.S.A. this 26<sup>th</sup> day of  
December, 2006.



Thomas J. Monahan

What is claimed is :

1/30/01

1. A continuously interactive rapid response marketing system for a business enterprise comprising:
  - (a.) means for selecting marketing communications activity;
  - (b.) means for collecting performance data of said selected marketing communications activity ;
  - (c.) means for processing said marketing communications activity performance data;
  - (d.) means for evaluating said processed performance data of all marketing communications <sup>activity</sup> investments [relative to performance of the expected contribution of marketing communications to the business objectives of said business enterprise];
  - (e.) means for reacting to said evaluation by modifying as necessary marketing communications activity.
2. A marketing system according to claim 1 wherein <sup>evaluating</sup> said processed performance data of marketing communications activity comprises evaluation relative to the expected contribution of marketing communications to the business objectives of said business enterprise.
- 3 2. A marketing system according to Claim 1 wherein said marketing communications activity involves functions and associated financial costs thereof comprising printed <sup>and</sup> electronic media.
- 4 3. A marketing system according to Claim 1 wherein said processing of marketing communications activity data further comprises historical performance data.
- 5 4. A marketing system according to Claim <sup>3</sup> 2 wherein said electronic media comprises the Internet.

6 ~~8~~. A marketing system according to Claim 1 wherein said marketing communications activity data is collected by <sup>manual</sup> electronic or telephonic monitoring means.

7 ~~8~~. A marketing system according to Claim 1 wherein said data processing integrates varied data sources and comprises a reporting interface means.

8 ~~7~~. A marketing system according to Claim <sup>7</sup>~~6~~ wherein said data sources comprise media contracts, media delivery information, survey information, call center volume, store foot traffic, sales scanner data, focus group responses, and web site traffic.

9 ~~8~~. A marketing system according to Claim <sup>7</sup>~~8~~ wherein said data is maintained in a centralized database, multiple databases, or combination thereof.

10 ~~9~~. A marketing system according to Claim 1 wherein said business objectives comprise customer acquisition, customer retention, branding, intellectual property acquisition, conversion, insight, development of international business relationships or customer bases, increased revenues, diversification of products or services, increased profits, personnel recruitment, or public relations.

11/10. A marketing system according to Claim 1 wherein said rapid response marketing system is maintained on an ongoing basis.

12/11. A marketing system according to Claim 1 wherein said reacting to said evaluation of marketing communications investments involves no modification or modification of marketing activity by increasing or decreasing some or all of marketing communications activities, deleting selected activities, adding new marketing activities, or altering the messaging of selected marketing communications activity.

13/12. A method for construction of individualized performance based continuously interactive marketing systems for business enterprises comprising:

- (a.) identifying the expected contribution of marketing communications to the business objectives of said business enterprise;
- (b.) identifying performance metrics of said marketing communications comprising a performance model or standards to measure accomplishment of said business objectives;
- (c.) identifying industry marketing communications information, past and current marketing

communications activities of said business enterprise, (if any, and history thereof;

- (d.) identifying available interactive marketing tools;
- (e.) selecting a marketing communication strategy comprising selecting marketing tools of the business enterprise or available interactive marketing tools sufficient to accomplish the expected contribution of marketing communications to the business objectives of said business enterprise;
- (f.) selecting a means for monitoring said marketing tools on an ongoing basis;
- (g.) selecting a means for evaluating on an ongoing basis the <sup>identified</sup> performance metrics of ~~step (b)~~ above;
- (h.) selecting a means for reacting to said evaluation of said marketing communications performance metrics;
- (i.) implementing said continuously interactive marketing system.

14 ~~13~~. A method for the construction of individualized performance based continuously interactive marketing systems for business enterprises comprising:

- (a) selecting marketing communications activity;
- (b) collecting performance data of said selected marketing communications activity;
- (c) processing said marketing communications activity performance data;
- (d) evaluating said processed performance data of all marketing communications <sup>activity</sup> ~~investments~~ relative to performance of the expected contribution of marketing communications to the business objectives of said business enterprise;
- (e) reacting to said evaluation by modifying ~~as~~ <sup>if</sup> necessary marketing communications activity.

15. A method according to claim 14 wherein said evaluating of said performance data of marketing communications activity comprises evaluating relative to the expected contribution of marketing communications to the business objectives of said business enterprise.

-16 ~~14~~. A method for optimizing marketing communications activity which comprises using a continuously active rapid response marketing system.

117 ~~15~~. A method according to claim <sup>16</sup> ~~14~~ wherein said marketing System comprises:

- (a) means for selecting marketing communications activity;
- (b) means for collecting performance data of said selected marketing communications activity;

- (c) means for processing said marketing communications activity performance data;
- (d) means for evaluating said processed performance data of all marketing communications <sup>activity</sup> ~~investments~~ [relative to performance of the expected contribution of marketing communications to the business objectives of said business enterprise];
- (e) means for reacting to said evaluation by modifying <sup>if</sup> ~~as~~ necessary marketing communications activity.

18. A method according to claim 17 wherein evaluating said processed performance data of marketing communications activity comprises evaluation relative to the expected contribution of marketing communications to the business objectives of said business enterprise.